

HOUSE No. 2168

By Mr. Larkin of Pittsfield, petition of Peter J. Larkin and others for legislation to further regulate the issuance of junior operators licenses and certificates for driver education training. Transportation.

The Commonwealth of Massachusetts

PETITION OF:

Peter J. Larkin Stephen M. Brewer
Thomas J. O'Brien

In the Year Two Thousand and Five.

AN ACT FURTHER REGULATING JUNIOR OPERATORS LICENSES AND DRIVER EDUCATION.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Section 8 of Chapter 90 of the Massachusetts
2 General Laws, as appearing in the 1998 Official Edition, is hereby
3 amended, in line 9, by striking out the period at the end of the sen-
4 tence and inserting in place thereof:— “, and provided further,
5 that no original license shall be issued to a person who previously
6 has been convicted of operating a motor vehicle without a license
7 while under the age of 18, whether in this state or another state,
8 until such person has reached the age of 19.”

1 SECTION 2. Section 8 of Chapter 90 of the Massachusetts
2 General Laws, as appearing in the 1998 Official Edition, is hereby
3 amended, in line 22, by adding at the beginning of the sentence
4 the words:— “Unless otherwise prohibited by this section,”, and
5 changing the “A” to “a”.

1 SECTION 3. Section 8 of Chapter 90 of the Massachusetts
2 General Laws, as appearing in the 1998 Official Edition, is hereby
3 amended, in line 77 by striking out the period at the end of the
4 sentence and inserting in place thereof:— “, provided further, that

5 a holder of a junior operator's license or a person who held such
6 license at the time the offense was committed, who is convicted of
7 a violation of the time restriction, shall, in addition to the penalty
8 imposed under section 10, have his license suspended for a period
9 of 30 days for a first offense, for a period of 60 days for a second
10 offense and for a period of 90 days for a third or subsequent
11 offense."

1 SECTION 4. Section 8 of Chapter 90 of the Massachusetts
2 General Laws, as appearing in the 1998 Official Edition, is hereby
3 amended, in line 79 by adding the following sentence after the
4 period:— "A person who violates this provision shall be deemed
5 to be operating a motor vehicle without being duly licensed under
6 this chapter, and the holder of a junior operator's license or a
7 person who held such license at the time the offense was com-
8 mitted, who is convicted of a violation of this provision, shall, in
9 addition to the penalty imposed under section 10, have his license
10 suspended for a period of 90 days."

1 SECTION 5. Section 8B of Chapter 90 of the Massachusetts
2 General Laws, as appearing in the 1998 Official Edition, is hereby
3 amended, in line 41 by adding the following sentence after the
4 period:— "A holder of a learner's permit who violates the time
5 restriction provided herein, or who operates a vehicle at any other
6 time without being accompanied by an operator duly licensed by
7 his state of residence, who is 21 years of age or over, who has had
8 at least one year of driving experience and who is occupying a
9 seat beside the driver, shall be deemed to be operating a motor
10 vehicle without being duly licensed under this chapter; provided,
11 that a holder of a learner's permit or a person who held such
12 permit at the time the offense was committed, who is convicted of
13 operating a motor vehicle without being duly licensed, shall, in
14 addition to the penalty imposed under section 10, have his learn-
15 er's permit, or license if one has been issued since the date of the
16 offense, suspended for a period of 90 days for a first offense, and
17 shall have his learner's permit, or license, revoked by the Regis-
18 trar for a subsequent offense, and no new learner's permit, or
19 license, may be issued for one year after such revocation."

1 SECTION 6. Section 20 of Chapter 90 of the Massachusetts
2 General Laws, as appearing in the 1998 Official Edition, is hereby
3 amended, in line 11 by striking the semi-colon and adding the
4 following:— “and if such person is under the age of 18 at the time
5 of the offense, he or she shall also be placed on probation by the
6 court and shall not be eligible for an original license or an original
7 learner’s permit until reaching the age of 19.”

1 SECTION 7. Section 20 of Chapter 90 of the Massachusetts
2 General Laws, as appearing in the 1998 Official Edition, is hereby
3 amended, in line 73 by inserting after the word “license”, the
4 following:— “or a person who held such license at the time the
5 offense was committed,”.

1 SECTION 8. Section 8 of Chapter 90 of the Massachusetts
2 General Laws, as appearing in the 1998 Official Edition, is hereby
3 amended, in line 65 by inserting after the period, the following
4 new paragraph:—
5 “Any person under the age of 18, other than an immediate
6 family member, who is a passenger in the vehicle of a driver who
7 is in violation of the provisions of the above paragraph, shall be
8 subject to a fine of not less than twenty-five dollars for the first
9 offense, fifty dollars for the second offense, and one hundred dol-
10 lars for the third offense. A violation of this section shall not be
11 considered as a conviction of a moving violation of the motor
12 vehicle laws for the purpose of determining surcharges on motor
13 vehicle premiums pursuant to section one hundred and thirteen B
14 of chapter one hundred and seventy-five.”

1 SECTION 9. Section 32G of Chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 inserting at the beginning of the first sentence in line 1, the
4 following section heading:— (1) Licensed Private Driver School.

1 SECTION 10. Section 32G of Chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 inserting after the word “school” at the end of the sentence in line
4 4, the following:— “, which shall include any form of instruction

5 for compensation, for each class of driver license recognized
6 under Massachusetts law.”

1 SECTION 11. Section 32G of Chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 adding the following paragraph after line 27:—

4 A school committee that provides a drivers education instruc-
5 tion program pursuant to chapter 71, section 13D need not be so
6 licensed, provided that only driving instructors certified by the
7 registrar may provide driver education instruction; and provided
8 further, that a high school teacher, so certified, shall be exempt
9 from the initial certification fee and each renewal fee, as long as
10 the teacher remains employed by the school committee and pro-
11 vided that said instructor only provides driver education pursuant
12 to his employment as a high school teacher. For the purposes of
13 this section, a private high school that provides driver education
14 instruction to its own students through the school’s own academic
15 teachers shall be subject to the same requirements as if such driver
16 education instruction were provided by a school committee, and a
17 private academic teacher providing driver education instruction
18 for a private high school shall be subject to the same requirements
19 as a high school teacher providing driver education instruction on
20 behalf of a school committee.

1 SECTION 12. Section 32G of chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 inserting the following words after the word “two” in line 30:—
4 consecutive years immediately preceding the current calendar
5 year.

1 SECTION 13. Section 32G of chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 inserting the following words after the word “two” in line 32:—
4 consecutive years immediately preceding the current calendar
5 year.

1 SECTION 14. Section 32G of chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 inserting the following words after the word “two” in line 34:—

4 consecutive years immediately preceding the current calendar
5 year.

1 SECTION 15. Section 32G of chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 inserting after line 106 the following:— No licensee shall know-
4 ingly employ, in connection with a driver school in any capacity
5 whatsoever, any person who has been convicted of a felony, or of
6 any crime involving violence, dishonesty, deceit, indecency,
7 degeneracy or moral turpitude.

1 SECTION 16. Section 32G of chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 inserting at the beginning of the first sentence in line 107, the
4 following section heading:— (2) Driver Education Instructor; Cer-
5 tificate.

1 SECTION 17. Section 32G of chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 inserting after the word “licensee” in line 107, the following:— a
4 school committee or a private high school.

1 SECTION 18. Section 32G of chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 inserting after line 112, the following:— The registrar may deny
4 the application of any person for a certificate as a driving
5 instructor if, in his direction, he determines that:

6 (a) Such applicant has made a material false statement or con-
7 cealed a material fact in connection with his application.

8 (b) Such applicant is the former holder of a driving school
9 instructor certificate which was revoked or suspended by the reg-
10 istrar.

11 (c) Such applicant has been convicted of a felony, or of any
12 crime involving violence, dishonesty, deceit, indecency, degen-
13 eracy or moral turpitude.

14 (d) Such applicant has failed to furnish satisfactory evidence of
15 good character, reputation and fitness.

1 SECTION 19. Section 32G of chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 striking lines 122-125 and inserting the following:— No school
4 committee or private high school may continue to employ a driver
5 school or a driving instructor in a driver education program, if the
6 license of the driver school has been suspended, revoked, or not
7 renewed by the registrar.

8 Except where a refusal to issue a driving instructor's certificate
9 or renewal, or revocation or suspension, is based solely on a court
10 conviction or convictions, a driving instructor or applicant shall
11 have an opportunity to be heard, such hearing to be held at such
12 time and place as the registrar shall prescribe.

13 A driving instructor or applicant entitled to a hearing shall be
14 given notice thereof. The sending of a notice of hearing by mail
15 to the last known address of a licensee or applicant ten days prior
16 to the date of the hearing shall be deemed due notice.

1 SECTION 20. Section 32G of chapter 90 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 striking out lines 126-128 and inserting in place thereof the
4 following:—

5 Each licensee, each school committee and each private high
6 school shall only use a vehicle for road instruction that is
7 equipped with a functional safety belt for each occupant and is
8 equipped with an air bag for the driver. The student driver and
9 every other occupant of the vehicle shall wear the safety belt, in a
10 properly secured manner, whenever the vehicle is in motion.

1 SECTION 21. Section 13D of chapter 71 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 striking out in line 4, the words:— “commissioner of education in
4 collaboration with the.”

1 SECTION 22. Section 13D of chapter 71 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 inserting after the word “vehicles” in line 5, the following:— No
4 school committee, high school, or private high school shall
5 employ any person to conduct a driver education course unless
6 such person is certified by the registrar as a driving instructor.

1 SECTION 23. Section 13D of chapter 71 of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 striking out lines 16-18.

1 SECTION 24. Section 1 of chapter 75D of the General Laws,
2 as appearing in the 1998 Official Edition, is hereby amended by
3 striking out the words “tractor-trailer operating skills” in line 6.